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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 ADAN ISACK YUSUF,

7 Petitioner,

8 v.

9 JEFFERY UTTECHT,

10 Respondent.

Case No. 2:18-CV-503-RSL-MAT

ORDER DISMISSING
PETITIONER'S HABEAS
PETITION WITH PREJUDICE

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12 The Court has reviewed petitioner's amended petition for writ of habeas corpus (Dkt. #9),
13 respondent's answer to the petition (Dkt. #13), petitioner's reply (Dkt. #27), the Report and
14 Recommendation of Mary Alice Theiler, United States Magistrate Judge (Dkt. #28), petitioner's
15 objections to the Report and Recommendation (Dkt. #29), and the remaining record. It is hereby
16 ORDERED that:

17 1. The record has been fully developed, and petitioner's request for an evidentiary
18 hearing is DENIED;

19 2. The Report and Recommendation is ADOPTED;¹

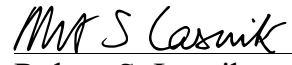
20 3. Petitioner's amended habeas petition and this action are DISMISSED WITH
21 PREJUDICE;

22 4. In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
23 United States District Courts, a certificate of appealability is DENIED; and
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26 ¹ The Court notes that petitioner has now argued that his counsel advised the trial court that he was "too
27 unprepared to be effective" (Dkt. #29 at 4), in addition to a breakdown of communications (Dkt. #27 at
28 2). The change does not affect the outcome because it does not establish petitioner's innocence. See
Schlup v. Delo, 513 U.S. 298, 321 (1995).

1 5. The Clerk is directed to send copies of this Order to petitioner, to counsel for
2 respondent, and to Judge Theiler.

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4 Dated this 23rd day of May, 2019.

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7 Robert S. Lasnik
8 United States District Judge
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